

REMARKS

The Office Action mailed June 24, 2008 has been received and reviewed. Claims 1-14, 17-60, and 62-63 are in the case. Claims 1-14 and 17-60 stand rejected under 35 U.S.C. § 112, first paragraph, while claims 3, 23, 24, and 29 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 62 and 63 stand rejected under 35 U.S.C. § 103(a) over Chaffee in view of Shills.

Rejection of claims 1-14 and 17-60 under 35 U.S.C. § 112, first paragraph

Claims 1-14 and 17-60 stand rejected under 35 U.S.C. § 112, first paragraph. Accordingly, Applicant has amended claim 1 hereby to capture the allowable subject matter of claim 30. Applicant has cancelled claims 4 and 29-30, and incorporated the allowable claim limitations of claim 30 into claims 1, 62, and 63.

Rejection of claims 3, 23, 24 and 29 under 35 U.S.C. § 112, second paragraph

Claims 3, 23, 24, and 29 stand rejected under 35 U.S.C. § 112, second paragraph. The rejection of claims 3, 23, 24, and 29 under 35 U.S.C. § 112, second paragraph, is in error, as none of those claims recites a proportion of water, only a proportion of cement (which is a powder) to aggregate (which is a solid). Thus, those claims do not contradict claim 1, especially as amended.

Rejection of claims 62-63 under 35 U.S.C. § 103(a) over Chaffee in view of Shills

Claims 62 and 63 stand rejected under 35 U.S.C. § 103(a) over Chaffee in view of Shills. Accordingly, Applicant has amended claims 62 and 63 to incorporate the allowable subject matter of claim 30.

Having amended to capture the allowable subject matter in accordance with the examiner's

suggestions, Applicant respectfully asserts that the independent claims are amended conform to the distinguishable features deemed allowable by the examiner.

Applicant respectfully requests reconsideration and withdrawal of the rejections of all pending claims 1-3, 5-14, 17-28, 31-60, and 62-63. In view of the foregoing, Applicant respectfully asserts that all claims should now be in condition for immediate allowance. In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this _26th_ day of October, 2009.

Respectfully submitted,
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